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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,524	10/15/2003	G. Eric Engstrom	109909-129605	5236

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EXAMINER
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DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,524	<b>Applicant(s)</b> ENGSTROM ET AL.	
	<b>Examiner</b> Raymond S. Dean	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments regarding Claims 5 and 13 filed November 13, 2006 have been fully considered but they are not persuasive.

Cermak teaches receiving a second user request from the same or another input key of the wireless mobile communication device selecting one of the communication messages of the list (Col. 7 lines 44 – 47, in order to reply to the message the user must select the message in order to listen to said message); and in response, facilitating the user in selecting a communication protocol, and facilitating reply to the communication message in the selected communication protocol (Col. 7 lines 44 – 47, the user can reply to the message by placing a phone call, which is a communication protocol).

2. Applicant's arguments, see remarks filed November 13, 2006 with respect to the rejection(s) of claim(s) 1 – 2, 9 – 10 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art Smith et al. (US 6,333,973) and Kaaresoja et al. (US 2002/0177471).

Cermak teaches in a wireless mobile communication device, a method of operation (Col. 2, lines 38-53, Abstract) comprising: receiving a first user request from an input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39, Col. 2, lines 9-29, lines 38-52, particularly lines 42-45); and in response, displaying

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on a display of the wireless mobile communication device (Col. 4, lines 1-37, Col. 5, lines 1-39), a list of communication messages with a communication partner of at least two message types selected from a message type group comprising of an email message type, a text message type, a voice message type, and a call message type (Col. 7, lines 35-44), where an icon is displayed when a new message has arrived, either a voice message or a text message.

Cermak does not teach the list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners.

Smith teaches a list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners (Col. 8 lines 11 – 16, lines 26 – 33, lines 45 – 48, the messages can be all types of messages, since the messages can be arranged by sender the user can view all types of messages from a particular sender).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak with the message functionality of Smith for the purpose of integrating different types of messages such that a user may view and respond to the messages by simple operation as taught by Smith.

Kaaresoja teaches displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message (Section 0018). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile phone of Cermak in view of Smith with the

visual icon functionality of Kaaresoja for the purpose of enriching the communication experience of the user as taught by Kaaresoja.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 – 9, 11 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cermak et al. (US 6,763,095) in view of Smith et al. (US 6,333,973).

Consider Claim 1. Cermak teaches in a wireless mobile communication device, a method of operation (Col. 2, lines 38-53, Abstract) comprising: receiving a first user request from an input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39, Col. 2, lines 9-29, lines 38-52, particularly lines 42-45); and in response, displaying on a display of the wireless mobile communication device (Col. 4, lines 1-37, Col. 5, lines 1-39), a list of communication messages with a communication partner of at least two message types selected from a message type group comprising of an email message type, a text message type, a voice message type, and a call message type (Col. 7, lines 35-44), where an icon is displayed when a new message has arrived, either a voice message or a text message.

Cermak does not teach the list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners.

Smith teaches a list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners (Col. 8 lines 11 – 16, lines 26 – 33, lines 45 – 48, the messages can be all types of messages, since the messages can be arranged by sender the user can view all types of messages from a particular sender).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak with the message functionality of Smith for the purpose of integrating different types of messages such that a user may view and respond to the messages by simple operation as taught by Smith.

Consider Claim 9. Cermak et al. teaches a wireless mobile communication device (Col. 2, lines 38-53, Abstract) comprising: a transceiver to facilitate sending and receiving communication messages of a plurality of message types to and from a communication partner (Col. 2, lines 38-58, Col. 4, lines 1-37), where a system includes a user terminal that may be a cellular phone for incoming and outgoing communications, such as for a user to leave a message and receive a message; a display (Col. 4, lines 18-21, lines 31-37, Col. 2, lines 9-15, lines 38-53, Col. 5, lines 29-39, Col. 6, lines 43-57); an input device (Col. 2, lines 38-53, Col. 8, lines 41-59, particularly lines 50-52); and an unified message function to render on the display, in response to a first input inputted using the input device (Col. 4, lines 1-37, Col. 5, lines

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1-39), a list of communication messages from the communication partner of at least two message types selected from a message type group comprising of an email message type, a text message type, a voice message type, and a call message type (Col. 7, lines 35-44), where an icon is displayed when a new message has arrived, either a voice message or a text message.

Cermak does not teach the list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners.

Smith teaches a list only having communication messages sent to or received from the communication partner, and not having any other communication messages to or from any other communication partners (Col. 8 lines 11 – 16, lines 26 – 33, lines 45 – 48, the messages can be all types of messages, since the messages can be arranged by sender the user can view all types of messages from a particular sender).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak with the message functionality of Smith for the purpose of integrating different types of messages such that a user may view and respond to the messages by simple operation as taught by Smith.

Consider Claims 3 and 11, in regards to claims 1 and 9, respectively, above. Cermak teaches the method wherein the method of operation, further comprising receiving a second user request from the same or another input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39); and in response, expanding the display of a selected one of the displayed communication messages from

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the communication partner (Col. 4, lines 15-25, Col. 5, lines 9-13, Col. 6, lines 58-67, Col. 7, lines 1-34).

Consider Claims 4 and 12, in regards to claims 1 and 9, respectively, above. Cermak teaches the method wherein the method of operation, further comprising receiving a second user request from the same or another input key of the wireless mobile communication device (Col. 5, lines 1-13, Col. 5, lines 29-239, Col. 4, lines 3-10, Col. 8, lines 46-52, Col. 2, lines 38-47, Col. 1, lines 46-48); and in response, facilitating reply to the communication partner using a same communication protocol of a selected communication message (Col. 7, lines 45-48, Col. 2, lines 54-65), where a user may reply to messages, including voice messages.

Consider Claims 5 and 13, in regards to claims 1 and 9, respectively, above. Cermak teaches the method further comprising receiving a second user request from the same or another input key of the wireless mobile communication device selecting one of the communication messages of the list (Col. 7 lines 44 – 47, in order to reply to the message the user must select the message in order to listen to said message); and in response, facilitating the user in selecting a communication protocol, and facilitating reply to the communication message in the selected communication protocol (Col. 7 lines 44 – 47, the user can reply to the message by placing a phone call, which is a communication protocol).

Consider Claims 6 and 14, in regards to claims 1 and 9, respectively, above. Cermak teaches the method wherein said displaying comprises displaying the list of communication messages with at least three message types selected from the message



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type group comprising of the email message type (Col. 5, lines 1-13, Col. 6, lines 3-25, Col. 7, lines 5-21, Col. 8, lines 21-32), the text message type (Col. 6, lines 15-20, Col. 2, lines 9-21, Col. 7, lines 40-44), the voice message type (Col. 7, lines 23-62, Col. 4, lines 20-24, Col. 2, lines 9-21), and the call message type (Col. 7, lines 23-34, Col. 5, lines 29-39, Col. 4, lines 34-37).

Consider Claims 7 and 15, in regards to claims 1 and 9, respectively, above. Cermak teaches the method wherein said displaying comprises displaying the list of communication messages with at least four message types comprising the email message type (Col. 5, lines 1-13, Col. 6, lines 3-25, Col. 7, lines 5-21, Col. 8, lines 21-32), the text message type (Col. 6, lines 15-20, Col. 2, lines 9-21, Col. 7, lines 40-44), the voice message type (Col. 7, lines 23-62, Col. 4, lines 20-24, Col. 2, lines 9-21), and the call message type (Col. 7, lines 23-34, Col. 5, lines 29-39, Col. 4, lines 34-37).

Consider Claims 8 and 16, in regards to claim 1 and 9, respectively, above. Cermak teaches the method wherein said displaying comprises displaying text messages across different chat sessions (Col. 6, lines 15-20, Col. 2, lines 9-21, lines 38-65, Col. 7, lines 40-44).

Consider Claim 17, in regards to claim 9 above. Cermak teaches the wireless mobile communication device wherein the wireless mobile device comprises a wireless mobile phone (Col. 2, lines 42-44).

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5. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cermak et al. (US 6,763,095) in view of Smith et al. (US 6,333,973), as applied to Claims 1, 9 above, and further in view of Kaaresoja et al. (US 2002/0177471)

Consider Claims 2 and 10, in regards to claims 1 and 9, respectively, above.

Cermak in view of Smith does not teach the method wherein the displaying comprises displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message.

Kaaresoja teaches displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message (Section 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile phone of Cermak in view of Smith with the visual icon functionality of Kaaresoja for the purpose of enriching the communication experience of the user as taught by Kaaresoja.

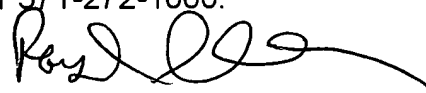
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raymond S. Dean

January 16, 2007



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